

House File 211 - Reprinted

HOUSE FILE 211
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HSB 31)

(As Amended and Passed by the House February 28, 2013)

A BILL FOR

1 An Act requiring in-state construction contracts and disputes
2 thereof to be governed by Iowa law and including effective
3 date provisions.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 537A.6 In-state construction
2 contracts — Iowa law to govern.

3 1. As used in this section, "*in-state construction*
4 *contract*" means a public, private, foreign, or domestic
5 agreement relating to construction, alteration, repair, or
6 maintenance of any real property in this state and includes
7 agreements for architectural services, demolition, design
8 services, development, engineering services, excavation, or any
9 other improvement to real property in this state, including
10 buildings, shafts, wells, and structures, whether on, above,
11 or under real property in this state. "*In-state construction*
12 *contract*" does not include any agreement between this state and
13 any other state.

14 2. A provision of an in-state construction contract is void
15 and unenforceable as contrary to public policy if the provision
16 does any of the following:

17 a. Makes the in-state construction contract subject to the
18 laws of another state.

19 b. Requires any litigation, mediation, arbitration, or
20 other dispute resolution proceeding arising from the in-state
21 construction contract to be conducted in another state.

22 3. Notwithstanding any contractual provision to the
23 contrary, the laws of this state shall apply to every in-state
24 construction contract.

25 4. Any litigation, mediation, arbitration, or other dispute
26 resolution proceeding arising from or relating to an in-state
27 construction contract shall be conducted in this state.

28 Sec. 2. EFFECTIVE DATE. This Act takes effect January 1,
29 2014.